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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
ATLANTIC RECORDING CORPORATION,

Plaintiff,

- v -

BCD MUSIC GROUP, INC. and MIXTRAP LLC,

Defendants.  
----- X

08 Civ. 5201 (WHP)

ORDER TO SHOW CAUSE BRINGING  
ON MOTION FOR PRELIMINARY INJUNCTION  
AND EXPEDITED DISCOVERY

Upon the Complaint with attached exhibits, the moving Declarations with attached exhibits and the Memorandum of Law In Support of Motion for Preliminary Injunction and Expedited Discovery, it is hereby:

✓ ORDERED that Defendants show cause before this Court at Courtroom 2210,

✓ United States Courthouse, 500 Pearl Street, New York, New York 10007 on the 11 day of

✓ June, 2008 at 5 o'clock P. M., or as soon thereafter as counsel can be heard, why a preliminary injunction, pursuant to Rule 65, Fed.R.Civ.P., should not be issued:

I. Enjoining and restraining Defendant Mixtrap LLC ("Mixtrap") and its agents, servants, employees, and attorneys and those persons in active concert or participation with it:

A. From using the professional names and likeness of the recording artists Al Gernod L. Washington p/k/a "Plies" ("Plies") in connection with unauthorized recordings made by or of such recording artist including an

album titled *Definition of Real*;

- B. From using any logo, trade name, trademark or service mark, which may be calculated to falsely represent or which has the effect of falsely representing that the goods of Mixtrap are sponsored by, authorized by, or in any way associated with Plaintiff, or its recording artists, including “Plies”;
- C. From using the name *Definition of Real*, or any confusingly similar name, including a name containing the word “Real,” as the name of an album containing recordings made by or of the artist Plies;
- D. From reproducing, distributing, publicly performing or preparing derivative works of the sound recordings “Shawty,” “You,” “Hypnotized,” and “Murkin Season” or any other sound recording owned by or exclusively licensed to Plaintiff without express written authority from Plaintiff;

II. Requiring Defendant Mixtrap and its parents, affiliates, subsidiaries, officers, agents, servants and employees, and all persons acting in concert with them:

- A. Deliver to the court and Plaintiff within two business of the date of this order a list of all persons and entities who received a copy/copies of *Definition of Real* together with all known contact information for such persons/entities and the number of copies of *Definition of Real* provided to each such person or entity;
- B. Retrieve all copies of the album *Definition of Real*;

- C. Distribute the corrective letter in the form of Exhibit A to all persons or entities who received any copies of *Definition of Real*;
- D. Deliver to Plaintiff any and all copies of compact discs, cassettes or other medium of *Definition of Real* and all signs, labels, packaging materials, advertising materials, and other materials used to promote same;

III. Enjoining and restraining Defendant BCD Music Group, Inc. ("BCD") and its agents, servants, employees, and attorneys and those persons in active concert or participation with it:

- A. From using the professional name and likeness of the recording artists Al Gernod L. Washington p/k/a "Plies" or Radric Davis p/k/a "Gucci Mane" ("Gucci Mane") in connection with unauthorized recordings made by or of such recording artists;
- B. From using any logo, trade name, trademark or service mark, which may be calculated to falsely represent or which has the effect of falsely representing that the goods of BCD are sponsored by, authorized by, or in any way associated with Plaintiff, or its recording artists, including "Plies," and/or "Gucci Mane";
- C. From using the name *Real Definitions*, or any confusingly similar name, including a name containing the word "Real," as the name of an album containing recordings made by or of the artist Plies;

IV. Requiring Defendant BCD and its parents, affiliates, subsidiaries, officers, agents, servants and employees, and all persons acting in concert with them to:

- A. Deliver to the court and Plaintiff within two business days of the date of this order a list of all persons and entities who received a copy/copies of the *No Pad No Pencil* and *Real Definitions* albums together with all known contact information for such persons/entities and the number of copies of *No Pad No Pencil* and *Real Definitions* provided to each such person or entity;
- B. Retrieve all copies of recordings bearing the Plies name, including *Real Definitions*;
- C. Retrieve all copies of recordings bearing the Gucci Mane name, including *No Pad No Pencil*;
- D. Distribute a corrective letter in the form of Exhibit B to all customers who received any copies of *No Pad No Pencil* and *Real Definitions*;
- E. Deliver to Plaintiff any and all copies of compact discs, cassettes or other medium of *Real Definitions* and *No Pad No Pencil* and all signs, labels, packaging materials, advertising materials, and other materials used to promote same;

V. Permitting Plaintiff to take expedited discovery from Defendants as set forth on Exhibits C and D;

~~ORDERED that Plaintiff shall post an undertaking by June \_\_, 2008 with the Clerk of the Court, in the form of a bond, cash or check in the sum of \$\_\_\_\_\_ as security for the payment of such costs and damages as may be incurred or suffered by any party who is subsequently found to be wrongfully enjoined or restrained hereby, if in the form of check or~~




~~cash~~, shall be held ~~in~~ an interest bearing ~~account~~; and, ~~it is further~~ J

ORDERED that service of the Summons and Complaint and of this Order and Order To Show Cause, together with copies of the papers in support thereof, shall be made by delivering true copies thereof by overnight delivery on: (i) Defendant BCD Music Group, 1621 Lakeville Drive, Kingwood, TX 77339 no later than June 6, 2008, with copies sent by email to Wallace Collins, Esq., 119 5th Avenue, 3<sup>rd</sup> Floor, New York, New York 10003; and (ii) on Defendant Mixtrap LLC, 36 Tamorack Avenue, Suite 312, Danbury, Connecticut 06811, no later than June 6, 2008; and, it is further

ORDERED that answering papers, if any, be filed with this Court and served upon Plaintiff's counsel, Blank Rome LLP, att'n Kenneth L. Bressler, 405 Lexington Avenue, New York, New York 10174 on or before June 10, 2008 at 12 o'clock P.M.; and it is further

ORDERED that reply papers, if any, be served by facsimile on counsel for Defendant on or before June   , 2008 at    o'clock   .M. P

  
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U.S.D.J. J

Issued: June 6, 2008